

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,
Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS

Re: ECF Nos. 13939, 14049, 14058

(Jointly Administered)

**URGENT CONSENTED MOTION FOR EXTENSION OF DEADLINES
TO RESPOND TO INDULAC'S MOTION TO BE HEARD**

To the Honorable Magistrate Judge Judith Dein:

The Commonwealth of Puerto Rico (the “Commonwealth”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the Commonwealth’s representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”), respectfully submits this urgent consented motion for entry of an order, substantially in the form attached hereto as Exhibit A (the “Proposed Order”), extending the deadlines set forth in the *Order Setting Briefing Schedule* [ECF No. 14058] (the “Scheduling Order”) with respect to the *Motion for Leave to Appear and Be Heard*

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Building Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

as Party in Interest [ECF 14049] (“Motion to Be Heard”) filed by Industria Lechera de Puerto Rico, Inc. (“Indulac”).

Request for Relief

1. On August 3, 2020, Suiza Dairy Corp. (“Suiza”) filed its *Urgent Motion Requesting a Ruling or Entry of Comfort Order as to the Non-Applicability of the Automatic Stay to a Limited Controversy with the Commonwealth of Puerto Rico arising Post-Petition and having Post-Petition Effects but Partially Based on a Pre-Petition Judgment Incorporating Milk Regulations Established by the United States District Court for the District of Puerto Rico and Not Involving Property of the Debtor or its Estate* [ECF No. 13939] (“Urgent Motion Concerning the Stay”).

2. On August 17, 2020, Indulac filed the Motion to Be Heard requesting that the Court grant Indulac leave to appear as a party in interest to oppose Suiza’s Urgent Motion Concerning the Stay because it allegedly “has a special interest in the outcome of the Urgent Motion [Concerning the Stay] regarding Administrative order 2020-22 issued by the Administrator of the Puerto Rico Office of Regulation of Milk Industry.”

3. On the same day, Indulac also filed its *Opposition to the Urgent Motion Filed by Suiza Dairy Corp. For Lack of Subject Matter Jurisdiction* [ECF 14050].

4. Also on August 17, 2020, the Court entered an Order granting the *Commonwealth of Puerto Rico’s Urgent Consented Motion for Extension of Deadlines in Connection with Urgent Motion Requesting Comfort Order* [ECF 14051] and extending the deadline for opposition papers to the Urgent Motion Concerning the Stay to August 27, 2020.

5. On August 18, 2020, this Court entered the Scheduling Order, which provides that objections to the Motion to Be Heard must be filed by August 24, 2020, and Indulac’s reply papers by August 26, 2020.

6. The Commonwealth respectfully seeks a three-day extension of time to file an objection to the Motion to be Heard to August 27, 2020, so that the deadline to oppose the Motion to Be Heard will coincide with the deadline to oppose the Urgent Motion Concerning the Stay. The Commonwealth is in the process of analyzing the underlying litigation that is the subject matter of the Urgent Motion Concerning the Stay, which analysis will inform its position with respect to both the Urgent Motion Concerning the Stay and the Motion to Be Heard.

7. Accordingly, the Commonwealth, with Indulac's consent, proposes the following extensions of the deadlines set forth in the Scheduling Order:

- The deadline to file objections to the Motion to be Heard shall be extended to August 27, 2020.
- The deadline for Indulac to file a reply in support of the Motion to be Heard shall be extended to August 31, 2020.

8. Extending the deadlines as proposed would allow for the deadline to coincide with the Commonwealth's deadline to object to Suiza's Urgent Motion Concerning the Stay, which would then also allow the Commonwealth and the Court to determine whether Indulac is adequately represented in any event.

9. Counsel for the Commonwealth discussed this request with counsel for Indulac who consented to the relief requested herein.

10. Pursuant to Paragraph 1.H of the *Thirteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 13512-1] (the "Case Management Procedures"), the Commonwealth hereby certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; it has not created the urgency through any lack of due diligence; has made a bona fide effort to resolve the matter without a hearing; has made reasonable, good-

faith communications in an effort to resolve or narrow the issues that are being brought to the Court, and no party opposes the relief requested herein.

Notice

11. The Commonwealth has provided notice of this motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtors' bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against COFINA; (d) counsel to the statutory committees appointed in these Title III cases; (e) the Office of the United States Attorney for the District of Puerto Rico; (f) counsel to the Oversight Board; (g) the Puerto Rico Department of Justice; (h) the Other Interested Parties;² (i) all parties filing a notice of appearance in these Title III cases; and (j) Movants. A copy of the motion is also available on the Debtors' case website at <https://cases.primeclerk.com/puertorico/>.

12. The Commonwealth submits that, in light of the nature of the relief requested, no other or further notice need be given.

² The "Other Interested Parties" include the following: (i) counsel to certain of the insurers and trustees of the bonds issued or guaranteed by the Debtors; and (ii) counsel to certain ad hoc groups of holders of bonds issued or guaranteed by the Debtors.

Dated: August 21, 2020
New York, New York

/s/ Brian S. Rosen

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Attorneys for the Financial Oversight and Management Board for Puerto Rico

CERTIFICATE OF SERVICE

I hereby certify that, on this same date, I electronically filed the foregoing with the Clerk of this Court using the CM/ECF system, which will send notifications of such filing to all CM/ECF participants in this case.

/s/ Hermann D. Bauer
Hermann D. Bauer

EXHIBIT A

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,
Debtors.³

PROMESA
Title III

No. 17 BK 3283-LTS

Re: ECF Nos. 13939, 14049, 14058

(Jointly Administered)

**ORDER GRANTING URGENT CONSENTED MOTION FOR EXTENSION OF
DEADLINES TO RESPOND TO INDULAC'S MOTION TO BE HEARD**

Upon the *Urgent Consent Motion for Extension of Deadlines to Respond to Indulac's Motion to be Heard* (the "Extension Motion"), and the Court having found that the relief requested in the Extension Motion is in the best interests of the Commonwealth, and the Court having found that the Commonwealth provided adequate and appropriate notice of the Extension Motion under the circumstances and that no other or further notice is required, and the Court having reviewed the Extension Motion, and having determined that the factual bases set forth in the Extension Motion establish just cause for the relief granted herein, and after due deliberation and sufficient cause appearing therefor, it is **HEREBY ORDERED THAT:**

³ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Building Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

1. The Extension Motion is granted as set forth herein.
2. The deadline to file objections to the Motion to Be Heard⁴ [ECF No. 14049] shall be extended to August 27, 2020.
3. The deadline for Indulac to file a reply in support of the Motion to Be Heard shall be extended to August 31, 2020.
4. The Court will thereafter take the Motion to Be Heard on submission, unless the Court determines that a hearing is necessary.

Dated: _____ 2020.

SO ORDERED:

HONORABLE MAGISTRATE JUDGE
JUDITH DEIN

⁴ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Extension Motion.